# FEDERAL REGISTER

VOLUME 13 NUMBER 16

*Washington, Friday, January 23, 1948*


## TITLE 3—THE PRESIDENT

### PROCLAMATION 2766

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: LUXEMBOURG

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and protecting the same, approved February 20, 1905, as amended (15 U. S. C. 92) by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America:

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of Luxembourg registered in the United States Patent Office which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that Luxembourg accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States; and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after September 3, 1939, and before June 30, 1947, until and including June 30, 1948.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of January, in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
*Secretary of State.*

[F. R. Doc. 48-701; Filed, Jan. 22, 1948; 10:22 a. m.]

### EXECUTIVE ORDER 9928

SUSPENDING PROFESSIONAL EXAMINATIONS FOR PERMANENT PROMOTION OF OFFICERS IN THE MEDICAL DEPARTMENT OF THE ARMY

By virtue of the authority vested in me by section 507 (b) of the Officer Personnel Act of 1947, approved August 7, 1947 (Public Law 381, 80th Congress) it is ordered as follows:

1. The operation of all provisions of law requiring professional examinations for permanent promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps is hereby suspended until June 30, 1948.

2. This order shall become effective as of January 1, 1948.

HARRY S. TRUMAN

THE WHITE HOUSE,
*January 21, 1948.*

[F. R. Doc. 48-716; Filed, Jan. 22, 1948; 10:56 a. m.]

## CONTENTS

### THE PRESIDENT


Executive Order — Page

Permanent promotion of officers in Medical Department of Army, suspending professional examinations — 319

Proclamation

Trade-mark registrations, extension of time for renewing: Luxembourg — 319


### EXECUTIVE AGENCIES


Agriculture Department

Proposed rule making:
- Milk in New Orleans, La., marketing area — 322
- Peaches, fresh, grown in Georgia — 329

Rules and regulations:
- Naval stores and related commodities, amendment of schedule of fees payable to U. S. for sampling, inspection and grading — 320

Alien Property, Office of

Notices:

Vesting orders:
- Appelbaum, Frederick — 331
- Esa, Frederick, Sr — 337
- Frisch, William — 334
- Goeman, Martha Wicke, et al — 334
- Grass, Christiane — 337
- Haussmann, Martha — 332
- Hoerlein, Heinrich — 334
- Imperial Marine & Fire Insurance Co., Ltd — 332
- Jaeschke, Joseph, et al — 333
- Koch, Edith, et al — 332
- Meyer, Mary — 331
- Nitschke, Frances Th — 331
- Ooka, Jinichiro — 335
- Schmidt, August — 335
- Sommerfeld, Wilhelm — 336
- Steiner Paper Corp — 335
- Vollmer, Ernstiene, et al — 336
- Von Goeler, Minna Dieter, et al — 330

FEDERAL REGISTER

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## CONTENTS—Continued

**Civil Aeronautics Administrator** — Page
Rules and regulations:
Standard instrument approach procedures; initial approach altitudes — 321

**Civil Aeronautics Board**
Notices:
Wisconsin Central Airlines; hearing — 337

**Federal Power Commission**
Notices:
Hearings, etc..
Montana Power Co — 338
Phebus Pipe Line Co — 337
Sierra Pacific Power Co — 337

**Housing Expediter, Office of**
Rules and regulations:
Rent regulations:
Controlled housing — 322
Controlled rooms in rooming houses and other establishments — 321

**Immigration and Naturalization Service**
Rules and regulations:
Alien seamen; U. S. citizen identification cards for Great Lakes seamen — 321

**Interstate Commerce Commission**
Notices:
Reconsignment permits:
Apples, Minneapolis, Minn — 338
Potatoes, Kansas City, Mo — 338
Unloading engines at Manayunk, Pa — 338

**Land Management, Bureau of**
Rules and regulations:
Washington; public land order withdrawing public lands for use of Navy Department — 322

**National Bureau of Standards** — Page
Rules and regulations:
Organization units — 321
Purpose and functions — 321

**Patent office**
Rules and regulations:
Trade-mark cases, rules of practice; extension of time for renewing trade-mark registrations: Luxembourg — 322

## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

**Title 3—The President** — Page
Chapter I—Proclamations:
2766 — 319
Chapter II—Executive orders:
9928 — 319

**Title 7—Agriculture**
Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)
Part 160—Regulations for the enforcement of the Naval Stores Act — 320
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)
Part 942—Milk in New Orleans, La., marketing area (proposed) — 322
Part 962—Fresh peaches grown in Georgia (proposed) — 329

**Title 8—Aliens and Nationality**
Chapter I—Immigration and Naturalization Service, Department of Justice:
Part 120—Alien seamen — 321

**Title 14—Civil Aviation**
Chapter II—Administrator of Civil Aeronautics, Department of Commerce:
Part 609—Standard instrument approach procedures — 321

**Title 15—Commerce**
Chapter II—National Bureau of Standards, Department of Commerce:
Part 251—The purpose and functions of the National Bureau of Standards — 321
Part 253—Major organization units — 321

**Title 24—Housing Credit**
Chapter VIII—Office of Housing Expediter
Part 825—Rent regulations under Housing and Rent Act of 1947 (2 documents) — 321, 322

**Title 37—Patents, Trade-marks and Copyrights**
Chapter I—Patent Office, Department of Commerce:
Part 100—Rules of practice for renewing trade-mark registrations: Luxembourg — 322

## CODIFICATION GUIDE—Con.

**Title 43—Public Lands: Interior** — Page
Chapter I—Bureau of Land Management, Department of the Interior
Appendix—Public land orders:
431 — 322

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 160—REGULATIONS FOR THE ENFORCEMENT OF THE NAVAL STORES ACT

AMENDMENT OF SCHEDULE OF FEES PAYABLE TO UNITED STATES FOR SAMPLING, INSPECTION, AND GRADING OF NAVAL STORES AND RELATED COMMODITIES

Pursuant to the authority delegated, by an order of the Secretary of Agriculture dated December 20, 1946, and orders of the Acting Administrator of the Production and Marketing Administration, United States Department of Agriculture, dated December 26, 1946, and April 25, 1947, to the Director of the Tobacco Branch, Production and Marketing Administration, under the Naval Stores Act (7 U. S. C. 91–99) and the regulations promulgated thereunder (7 CFR, 1946 Supp., Part 160) and the subdelegation of such authority by said Director to the Chief of the Naval Stores Division dated May 23, 1947, the schedule of fees for inspection of naval stores and related commodities appearing in 7 CFR, 1947 Supp. 160.201, 12 F. R. 217, is hereby amended by adding in § 160.201 (b) at the end of item (3) thereof, the following provisions: "The charge for issuance of a Loan and Sale Certificate for United States graded rosin shall be waived in the event such rosin is recertified by the inspector who made the original inspection and certification, or by any licensed inspector authorized to make original inspections and certifications of rosin at the eligible processing plant where such rosin is located. Any extra expense incurred by an inspector in proceeding to or from the point or plant where such rosin is located, however, shall be borne by the interested person to whom such Loan and Sale Certificate is issued, as provided in §§ 160.72 and 160.73."

*Effective date.* This amendment to the schedule of fees for inspection of naval stores and related commodities shall become effective on the date of publication of this notice in the FEDERAL REGISTER.

Inasmuch as the determination of proper fees to cover the cost to the Department of Agriculture of sampling, inspection and grading of naval stores on request under the Naval Stores Act depends entirely upon facts within the knowledge of said Department, notice and public procedure on the foregoing amendment to the schedule of fees are deemed unnecessary under the Administrative Procedure Act, and inasmuch as the amendment grants an exemption and relieves a restriction upon the availability of such services by reducing the fees therefor, good cause under the Administrative Procedure Act appears for the is-

suance of the amendment effective less than thirty days after its publication.

(42 Stat. 1435; 7 U. S. C. 91–99)

Issued this 20th day of January 1948.

[SEAL] MILTON S. BRIGGS,
*Chief, Naval Stores Division, Tobacco Branch, Production and Marketing Administration.*

[F. R. Doc. 48-671; Filed, Jan. 22, 1948; 8:48 a. m.]

# TITLE 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 120—ALIEN SEAMEN

UNITED STATES CITIZEN IDENTIFICATION CARDS FOR GREAT LAKES SEAMEN

The following amendments to Part 120, Chapter I, Title 8, Code of Federal Regulations (12 F R. 5098) are hereby prescribed:

Section 120.8, *Listing of aliens employed on vessel; manner of; forms,* is amended by inserting in the first sentence after the words "St. Croix River," the words "Bay of Fundy (from, but not including, Yarmouth, Nova Scotia) "

Section 120.17, *Primary inspection of seamen,* is amended by adding the following sentences: "Identification cards may be issued by immigrant inspectors to United States citizens employed on vessels of the nationality and in the trade stated in the second proviso in § 120.8. Such cards will be issued for the sole purpose of identifying the holders to immigrant inspectors at ports of entry and may be revoked at any time."

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) relative to notice of proposed rule making and delayed effective date are inapplicable because this rule pertains solely to agency procedure and practice.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a) 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1, 12 F. R. 4781)

T. B. SHOEMAKER,
*Acting Commissioner of Immigration and Naturalization.*

Approved: January 16, 1948.

TOM C. CLARK,
*Attorney General.*

[F. R. Doc. 48-653; Filed, Jan. 22, 1948; 8:46 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 4]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

INITIAL APPROACH ALTITUDES

It appearing that the Administrator of Civil Aeronautics has been authorized under the Civil Aeronautics Act of 1938, as amended, and the Civil Air Regulations issued pursuant thereto, to prescribe standard instrument approach procedures; that the procedures have been distributed to the public and interested persons have had ample opportunity to comment upon them; that in the public interest the procedures should be published without delay and that compliance with the notice and procedure requirements of the Administrative Procedure Act would be impractical;

Now therefore, acting pursuant to the authority vested in me by sections 205, 301, 302, 306, 307, and 308 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 984, 985, 986; 54 Stat. 1231, 1233, 1234, 1235; 49 U. S. C. 401, 425, 451, 452, 456, 457, 458) and Sections 42.37 and 60.306 of the Civil Air Regulations, and in accordance with the Administrative Procedure Act (Pub. Law 404, 79th Cong., Chapter 324, 2d Session) I hereby amend Part 609 of the regulations of the Administrator.

Section 609.1, paragraph (b) (12 F. R. 8111) is amended to read:

§ 609.1 *Introduction.* * * *

(b) Initial approach altitudes are the minimum enroute cruising altitudes authorized for an airport between the last radio fix and the radio range station. These altitudes are based solely on clearance above terrain and obstructions to flight. The altitudes shown for initial approach on any radio range course shall be at least one thousand (1000) feet above all obstructions except for those areas designated as mountainous areas. Initial approach altitudes for mountainous areas shall not be less than the published enroute minimums; where no enroute minimums have been established a clearance of at least two thousand (2000) feet over all obstructions must be provided. These altitudes shall provide for terrain clearance in an area five (5) miles each side of the center-line of the radio range course from the last radio fix (radio range station or reliable intersection) to the range station, provided that no maneuvering is contemplated for this course. Where it is anticipated that maneuvering will be necessary on any radio range course, either for holding purposes or otherwise, a minimum lateral clearance of ten (10) miles from the center-line of the radio range course will be provided for the maneuvering side and a minimum of five (5) miles clearance will be provided for the opposite side. Where adequate radio fixes exist, altitudes will be shown for all range courses, either on or off airways. Where no radio fix exists, the term "Minimum Enroute Altitude" will be used for the direction involved.

(52 Stat. 973, 984, 985, 986, 54 Stat. 1231, 1233, 1234, 1235; 49 U. S. C. 401, 425, 451, 452, 456, 457, 458)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 48-642; Filed, Jan. 22, 1948; 8:49 a. m.]

# TITLE 15—COMMERCE

## Chapter II—National Bureau of Standards, Department of Commerce

PART 251—THE PURPOSE AND FUNCTIONS OF THE NATIONAL BUREAU OF STANDARDS

PART 253—MAJOR ORGANIZATION UNITS

MISCELLANEOUS AMENDMENTS

1. Section 251.4 (11 F. R. 177A-326) is amended to read as follows:

§ 251.4 *Weights and measures.* The United States was a signatory to the treaty under which the International Bureau of Weights and Measures was created in 1875. The National Bureau of Standards has participated in the affairs of the International Bureau, the International Conference on Weights and Measures, and the International Committee, which is an executive agency for the International Conference. Through its Office of Weights and Measures the National Bureau of Standards promotes uniformity in laws, rules, regulations, and general administrative procedures of State and local weights and measures jurisdictions, and in the specifications, tolerances, and testing methods for commercial weighing and measuring devices. As a part of this activity, the Bureau conducts an annual National Conference on Weights and Measures.

2. Paragraph (b) of § 253.1 (11 F. R. 177A-327) is amended to read as follows:

(b) *Organization.* The Office of the Director consists of the Director, Associate Directors, Office of Weights and Measures, Executive Officer, Assistants to the Director, and the necessary administrative and secretarial assistants.

The foregoing amendments are effective January 20, 1948.

(Sec. 3, 60 Stat. 238; 5 U. S. C., Sup. 1002)

E. C. CRITTENDEN,
*Acting Director.*

[F. R. Doc. 48-652; Filed, Jan. 22, 1948; 8:46 a. m.]

# TITLE 24—HOUSING CREDIT

## Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

Amendment 16 to the Rent Regulation for Controlled Rooms in Rooming

Houses and Other Establishments.[1] The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respect:

1. Schedule B is amended by incorporating Item 20 as follows:

20. Provisions relating to Kalamazoo County, Michigan, in the Kalamazoo-Battle Creek Defense-Rental Area.

*Increases in maximum rents based upon the recommendations of the Local Advisory Board.* Effective January 22, 1948, the maximum rents for all housing accommodations in Kalamazoo County, Michigan, in the Kalamazoo-Battle Creek Defense-Rental Area shall be increased 5 per cent except in cases in which the maximum rent has been established under section 4 (b) of this regulation. All provisions of this regulation insofar as they are applicable to the Kalamazoo-Battle Creek Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

This amendment shall become effective January 22, 1948.

Issued this 22d day of January 1948.

TIGHE E. WOODS,
*Housing Expediter*

*Statement To Accompany Amendment 16 to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments*

The Local Advisory Board for that portion of the Kalamazoo-Battle Creek Defense-Rental Area known as Kalamazoo County, Michigan, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, recommended an increase in the general rent level in Kalamazoo County, Michigan.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 5 per cent, and is therefore issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-700; Filed, Jan. 22, 1948; 10:05 a. m.]

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PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION

Amendment 16 to the Controlled Housing Rent Regulation.[1] The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respect:

1. Schedule B is amended by incorporating item 20 as follows:

20. Provisions relating to Kalamazoo County, Michigan, in the Kalamazoo-Battle Creek Defense-Rental Area.

*Increases in maximum rents based upon the recommendation of the Local Advisory Board.* Effective January 22, 1948, the maximum rents for all housing accommodations in Kalamazoo County, Michigan, in the Kalamazoo-Battle Creek Defense-Rental Area shall be increased 5 per cent except in cases in which the maximum rent has been established under section 4 (b) of this regulation. All provisions of this regulation insofar as they are applicable to the Kalamazoo-Battle Creek Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

This amendment shall become effective January 22, 1948.

Issued this 22d day of January 1948.

TIGHE E. WOODS,
*Housing Expediter*

*Statement To Accompany Amendment 16 to the Controlled Housing Rent Regulation*

The Local Advisory Board for that portion of the Kalamazoo-Battle Creek Defense-Rental Area known as Kalamazoo County, Michigan, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, recommended an increase in the general rent level in Kalamazoo County, Michigan.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 5 percent, and is therefore issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-699; Filed, Jan. 22, 1948; 10:05 a. m.]

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# TITLE 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

## Chapter I—Patent Office, Department of Commerce

PART 100—RULES OF PRACTICE IN TRADE-MARK CASES

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: LUXEMBOURG

CROSS REFERENCE: For the granting of extension of time for renewing trade-mark registrations of the type noted in § 100.352 to Luxembourg, see Proclamation 2766 under Title 3, *supra*.

# TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 431]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF NAVY DEPARTMENT

*Correction*

In Federal Register Document 47-11414, appearing at page 8895 of the issue for Wednesday, December 31, 1947, "Sec. 2" under "T. 25 S., R. 38 E." should read: "Sec. 2, E½ lots 1 and 2 in the NE¼,"

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# PROPOSED RULE MAKING

# DEPARTMENT OF AGRICULTURE

## Production and Marketing Administration

## [7 CFR, Part 942]

MILK IN NEW ORLEANS, LA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO A PROPOSED ORDER, AS AMENDED, AND AS HEREBY FURTHER AMENDED, AND TO A PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supps., 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed order, as amended, and as hereby further amended, and to a proposed marketing agreement, regulating the handling of milk in the New Orleans, Louisiana, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after the publication of this recommended decision in the FEDERAL REGISTER.

*Preliminary statement.* A public hearing, on the record of which the proposed order, as amended, and as hereby further amended, and the proposed marketing agreement have been formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by the Dairy Farmers' Cooperative Association, Inc., and by handlers. The public hearing was held at New Orleans, Louisiana, on November 24 and 25, 1947, pursuant to a notice issued on November 13, 1947 (12 F. R. 7404)

The material issues presented on the record of the hearing were whether:

[1] 12 F. R. 4302, 5423, 5457, 5699, 6027, 6686, 6923, 7111, 7630, 7825, 7998, 8660; 13 F. R. 6, 62, 181, 216, 294, 295.

[1] 12 F. R. 4331, 5421, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 180, 216, 294.

1. The classification of skim milk and butterfat disposed of by a handler to a person, other than a handler, who distributes milk or cream in fluid form for consumption as such should be revised.

2. Ice cream and ice cream mix should be reclassified from Class II milk to Class III milk, and the price of Class II skim milk and butterfat should be revised.

3. The Class I price differential should be revised to provide for an increase in the level of such price; and seasonal floor prices should be established through the month of February 1949.

4. The price for Class III butterfat should be decreased.

5. The pricing provisions should be revised to provide for the determination of class prices on the basis of the previous month's manufacturing prices.

6. An individual-handler pool should be established in lieu of the present market-wide pool.

7. The administrative assessment provisions should be revised to apply to all skim milk and butterfat disposed of as Class I milk rather than to receipts of skim milk and butterfat from producers.

8. Other changes should be made to make the entire marketing agreement and the order, as amended, conform with any amendments thereto which may result from the hearing.

*Findings and conclusions.* Upon the basis of the evidence adduced at the hearing, it is hereby found and concluded that:

1. The transfer provisions should be revised to provide that, during the delivery periods of March through September, skim milk and butterfat disposed of by a handler to a person, other than a handler, who distributes milk or cream in fluid form for consumption as such should be classified on the basis of the highest available use classification in the transferee plant after allocating such plant's receipts of skim milk and butterfat direct from dairy farms to the highest use classification: *Provided,* That the buyer maintains books and records, showing the utilization of all skim milk and butterfat at his plant, which are made available if requested by the market administrator for the purpose of verification.

The present provision of the order provides that skim milk and butterfat disposed of to such a person shall be classified as Class I milk. The record indicates that this provision deters the disposition of seasonal surpluses of milk to such persons and results in producer milk being disposed of to manufacturing plants for use as Class III milk when higher use outlets may be available.

With proper safeguards, it is believed that more efficient utilization of producer milk can be accomplished by encouraging the disposition of seasonal surpluses to nonhandlers operating fluid milk plants for use in higher priced products, such as ice cream. It is believed that the essential safeguard is a requirement that records be kept by the transferee, showing utilization of all skim milk and butterfat received at his plant, which are made available to the market administrator for the purpose of verification.

2. The pricing provisions for Class II skim milk and butterfat should be revised to bring such prices for producer milk more in line with the cost of skim milk and butterfat purchased from other sources.

The present provisions of the order provide that butterfat be priced on the basis of a basic formula price plus a constant, multiplied by 17.5, and that skim milk be priced on the basis of the resulting butterfat price multiplied by 0.04, subtracted from the basic formula price plus the constant.

Producers proposed that the pricing provisions for Class II milk (primarily ice cream and ice cream mix) be revised to increase the constant over the basic formula price from $0.55 to $0.65 per hundredweight. Certain handlers proposed that ice cream and ice cream mix be classified as Class III products rather than as Class II.

Testimony by handlers indicated that purchases of skim milk from outside sources, f. o. b. New Orleans, can be made more cheaply than the cost of Class II skim milk under Order 42, as amended. As a consequence, very little producer milk is utilized for ice cream or ice cream mix. Ice cream manufacturers in New Orleans import substantial quantities of other source milk, and producer milk, not utilized as Class I is largely used in the manufacture of Class III products or is sold outside the area for Class III use. Cost figures submitted by proponents of the proposal for reclassification indicate that the order prices of Class II butterfat are substantially under the cost of importing butterfat whereas order prices for Class II skim milk are substantially higher than the cost of importing solids.

It is concluded that the producer proposal for an increase in Class II price is unwarranted in that the present price is in excess of importation costs which has been one of the factors resulting in a minimum use of producer milk in Class II.

The present pricing provisions for Class II milk should be revised to price butterfat and skim milk separately and on a basis comparable to the costs of importing butterfat and skim milk from outside sources.

It is proposed that Class II butterfat be priced on the basis of the average daily wholesale price per pound of 92-score butter in the Chicago market less 3 cents plus 20 percent. Class II skim milk should be priced on the basis of 8.5 times the average of the carlot prices per pound of nonfat dry milk solids, spray and roller process, f. o. b. manufacturing plants in the Chicago area, during the delivery period. The proposed provisions for pricing Class II milk price producer skim milk and butterfat on a competitive basis with skim milk and butterfat imported from outside sources.

The proposed pricing provisions for Class II butterfat and skim milk will result in a price for 4.0 percent milk in Class II of $0.20 per hundredweight less than the price for such milk under the present provisions. However, it is believed that the proposed pricing for Class II butterfat and skim milk will encourage greater usage of producer butterfat and skim milk locally for manufacture of ice cream and ice cream mix and will return producers a higher blend price by reducing the quantity of Class III utilization.

3. The Class I price differential should be revised to provide for an increase in the level of such price, and minimum prices below which the Class I price would not be permitted to decline should be established.

The consumption of Class I milk in the New Orleans, Louisiana, marketing area has increased substantially during the past few years. General economic conditions and business activity in New Orleans indicate a continued good demand for milk and its products during 1948. Although the production of graded milk from local producers has increased during the past few years, such supplies have not kept pace with the demand for Class I milk. It has been necessary for handlers to supplement their supplies of producer milk for Class I use with substantial quantities from outside sources.

The cost of feeds, labor, supplies, and materials incurred by New Orleans producers in the production of milk shows a continued upward trend during 1947. Farmers producing milk for fluid purposes must use feed, labor, supplies, and materials more extensively to maintain production at a more uniform level than is required of farmers producing milk for manufacturing purposes. Consequently, the increase in the prices which have taken place in these items affect the New Orleans producers more than dairy farmers supplying manufacturing plants. Furthermore, the record indicates that producers in the New Orleans area purchase 90 percent of the concentrates and 50 percent of the roughage used in the production of milk. In view of the general economic conditions, both locally and nationally, there is nothing to suggest any decline in these high costs during 1948.

To reflect these increased costs in the production of milk and to provide the necessary incentive for the production of a sufficient quantity of pure and wholesome milk for the marketing area, the price differential for Class I milk should be revised upward. The present provisions of the order provide for a Class I price determined by adding a differential of $1.25 to a basic formula, composed of prices for milk for various manufacturing uses, until April 1, 1948. It is concluded that a differential of $1.25 per hundredweight over the basic formula price for the months of March through September and $1.50 per hundredweight for the months of October through February should be established.

While producers proposed a differential of $1.35 per hundredweight throughout the year, the record indicates the need for a more uniform production pattern. The months of October through February are the months of short production and highest production costs. It is believed that the more pronounced seasonal pricing resulting from the use of the varying differential will provide an incentive for more uniform production.

While the basic formula price plus the proposed differentials for Class I milk

will normally reflect to producers a minimum price for milk which will reflect the economic factors prescribed by the act and assure a sufficient supply of pure and wholesome milk for the marketing area and be in the public interest, there is a distinct possibility that the basic formula price plus the differentials may result in a wholly inadequate price for the coming year. The abnormal postwar marketing conditions have created such uncertainties with respect to the prices which will result from the operation of the pricing formula that producers of milk for the New Orleans market will be reluctant to expand the production of milk during the coming year unless they are assured that the price of milk will not go below the price required to reflect the standards of the act. The supply of milk for the New Orleans market is further endangered by the fact that there is no nearby secondary supply of graded milk to supplement the inadequate supply of producer milk. It is believed that definite assurance of prices below which the price of milk cannot fall is needed through February 1949. Handlers in the market have recognized the need for additional supplies of producer milk and the effect of announcing minimum prices in promoting additional production by voluntarily guaranteeing minimum prices to be paid for subsequent production months. In view of the above, it is believed that producers should be guaranteed a minimum price of $5.25 per hundredweight for the months of March through September 1948 and $5.69 per hundredweight for the months of October 1948 through February 1949.

The above changes will result in such prices as will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply of and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

4. The proposal to reduce the price for Class III butterfat should not be adopted.

Under the present provisions of the order the price for Class III butterfat is the average wholesale price paid for 92 score butter at Chicago for the preceding delivery period. Certain handlers proposed that such price should be the 92 score butter price for the preceding delivery period less 10 percent. They contended that producer butterfat could not be profitably handled at the present price, but failed to present substantiative evidence in support thereof. In view of this and the subsequent conclusion with respect to pricing such butterfat on the basis of the butter prices for the current delivery period, it is concluded that the proposal should be denied.

5. Class prices should not be determined on the basis of the previous months' manufacturing price.

Under the present order provisions Class I and Class II prices are determined on the basis of prices for specified manufactured products for the delivery period and are not announced until approximately the 6th day after the end of the delivery period. Certain handlers argue that the proposed determination of class prices would enable them to know in advance the prices which they would be required to pay. They contend that they are placed at a disadvantage by not knowing the exact prices they will be required to pay for milk received from producers until after that milk has been disposed of. However, they admit that it is possible under the present provisions to make a very close approximation during the delivery period of the prices which will result from the prescribed formula.

The price for Class III milk for the delivery period is known, under the present order provisions, soon after the beginning of the period since such price is determined on the basis of prices for specified manufactured products for the preceding delivery period. The contention of handlers that their Class III operations are not a profitable undertaking is understandable under such an arrangement. Since the price for Class III milk is determined on the basis of the previous month's quotations of specified manufactured products and the production of Class III products by handlers is confined generally to the early spring season when prices of dairy products are normally declining seasonally these handlers are at a disadvantage in disposing of their products under current quotations.

It is believed that any disadvantage arising from the use of the current month's manufacturing prices is more than outweighed by the fact that the use of such prices for the preceding delivery period disrupts the seasonal pattern of prices by lagging such price changes one month. It is proposed that the pricing of Class III milk be changed to provide for pricing on the basis of current quotations of manufactured products and that no change be made in the present provisions pricing Class I and II milk on the basis of current quotations.

6. The proposal to amend the provisions relating to the determination of uniform price to producers and payment for milk in order to provide for an individual-handler pool in lieu of the present market-wide pool should be adopted.

At the time the market-wide pool was adopted in New Orleans, it was anticipated that facilities for the disposal of seasonal surpluses would be readily available to all handlers. It now appears from the record that handlers who operate the existing facilities fail to make a satisfactory outlet for the unavoidable surpluses of other handlers who do not have manufacturing facilities of their own. Furthermore, handlers with manufacturing facilities retain milk for Class III purposes even when there is a strong demand for it for higher priced utilization on the part of other handlers. This they are able to do by virtue of the equalization of producer prices. It is believed that more efficient utilization and a more equitable distribution of producer milk would be obtained by the establishment of an individual-handler pool.

7. The proposal to apply the administrative assessment provisions to all skim milk and butterfat disposed of as Class I milk rather than to receipts of skim milk and butterfat from producers should not be adopted.

Certain handlers argued that the administrative assessment on skim milk and butterfat used in Class II and Class III places them at a disadvantage with competitors not subject to regulation under Order No. 42, as amended.

The administrative assessment is provided for to obtain sufficient funds to properly administer the order and any assessment should be born equally among the several handlers in the market. One of the largest expenses of administering an order is auditing of handlers' reports of receipts and utilization of milk. In this connection it is necessary to audit the disposition of Class II and Class III milk as well as the disposition of Class I milk. No showing was made on the record that the proposal would result in an equitable distribution of the assessment among handlers.

8. Other changes should be made to make the tentatively approved marketing agreement and the order, as amended conform with the revisions proposed herein.

The present classification provisions provide that no skim milk or butterfat, as the case may be, shall be classified as Class II or Class III, during any of the delivery periods of August through March if the total receipts of skim milk or butterfat in milk received from producers during the preceding delivery period is les sthan 90 percent of the utilization of skim milk or butterfat, respectively, by all handlers, in Class I. In conformity with the conclusion reached with respect to the seasonal pattern of prices, it is concluded that the months of "August through March" should be changed to "October through February."

The provision relating to the classification of transfers of skim milk and butterfat between handlers should be adapted to an individual-handler pool.

In view of the substantial revision of language in the sections dealing with the determination of uniform prices to producers and payment for milk as a result of the adoption of the individual-handler pool, and numerous other changes proposed herein, it is believed that for convenience of the industry all of the provisions of the order, as amended, should be published.

*Rulings on proposed findings and conclusions.* A brief was filed on behalf of the Brown's Velvet Dairy Products, Inc., a handler who would be subject to the proposed marketing agreement and order, as amended, and as hereby further amended. Every point covered in the brief was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

*Recommended marketing agreement and order as amended, and as hereby further amended.* The following order, as amended, and as hereby further amended is recommended as the detailed

and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the recommended order, as amended, and as hereby further amended.

§ 942.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "New Orleans, Louisiana, marketing area," hereinafter called the "marketing area," means the cities, towns, and villages of New Orleans in Orleans Parish; Gretna, Westwego, Marrero, Harvey, Metairie, and Belle Chasse in Jefferson Parish; Poydras, St. Bernard, Violet, Meraux, Chalmette, and Arabi in St. Bernard Parish; all in the State of Louisiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means a person who in conformity with the applicable health regulations for milk for consumption as milk in the marketing area produces milk which is received at a city or country plant.

(f) "Handler" means a person who operates a city or country plant.

(g) "City plant" means a plant where milk is processed and packaged and from which milk is distributed as Class I milk in the marketing area.

(h) "Country plant" means a plant at which milk is received from producers and from which milk or cream is received at a city plant.

(i) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(j) "Market administrator" means the agency which is described in § 942.2 for the administration hereof.

(k) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in sale of milk of its members.

(l) "Other sources" means sources other than producers or other handlers.

(m) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or from other producer-handlers in bulk: *Provided,* That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 942.2 *Market administrator—*(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof.

(2) Report to the Secretary complaints of violations of the provisions hereof.

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(4) Recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay out of the funds provided by § 942.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 942.3 or (ii) made payments pursuant to § 942.8 and § 942.9.

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 942.3 *Reports of handlers—*(a) *Periodic reports.* On or before the 5th day of each delivery period, each handler, except as set forth in paragraph (c) of this section, shall report to the market administrator in the detail and on forms prescribed by the market administrator, with respect to all milk and any skim milk, cream, or other milk products which were, during the preceding delivery period, purchased or received from (i) producers, (ii) other handlers, and (iii) other sources; the receipts at each plant; the butterfat content; and the utilization thereof.

(b) *Reports of payments to producers.* On or before the 20th day of each delivery period, each handler shall submit to the market administrator such handler's producer pay roll for the preceding delivery period, which shall show the total pounds of milk received from each producer, the average butterfat content of such milk, and the net amount of payment to such producer with the prices, deductions, and charges involved.

(c) *Reports of producer-handlers.* Producer-handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audits of such handler's records and the records of any other handler or person upon whose utilization the classification of milk depends. Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and utilization of all skim milk and butterfat and, in the case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content milk and milk products; and

(3) Verify payments to producers.

§ 942.4 *Classification—*(a) *Basis of classification.* All skim milk and butterfat contained in milk, skim milk, cream, and other milk products required to be reported shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c) and (d) of this section, the classes of utilization of milk shall be as set forth in this paragraph: *Provided,* That no skim milk or butterfat, as the case may be, shall be classified as Class II or Class III, during any of the delivery periods of October through February if the total receipts of skim milk or butterfat in milk received from producers during the preceding delivery period is less than 90 percent of the utilization of skim milk or butterfat, respectively, by all handlers, in Class I (determined in accordance with subparagraphs (1) (2), and (3) of this paragraph)

(1) Class I shall be all skim milk and butterfat the utilization of which is not established as Class II or Class III.

(2) Class II shall be all skim milk and butterfat used in cheese other than Cheddar, ice cream, and ice cream mix.

(3) Class III shall be all skim milk and butterfat (i) disposed of other than in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream (for consumption as cream, including any mixture of cream and milk or skim milk, in fluid form irrespective of the butterfat content) cheese other than Cheddar, ice cream, and ice cream mix; and (ii) accounted for as actual plant shrinkage, but not in excess of 2 percent, respectively, of the total receipts of skim milk and butterfat from producers.

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in paragraphs (b) and (d) of this section, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if such skim milk or butterfat is later used or disposed of (whether in original or other form) by any handler in another class, in accordance with such latter use or disposition.

(d) *Transfers.* (1) Subject to the conditions set forth in paragraph (c) of this section, and subparagraph (2) of this paragraph, skim milk and butterfat, when transferred in the form of milk, skim-milk, or cream from a handler who purchases or receives milk from producers shall be classified (i) as Class I, if transferred to a handler who is not a producer-handler unless utilization in another class is mutually agreed upon and reported by both handlers on or before the 5th day after the end of the delivery period within which such transfer was made: *Provided,* That in no event shall the amount of skim milk or butterfat so reported be greater than the amount used in such class by the transferee handler; (ii) as Class I, if transferred to a producer-handler; (iii) as Class I, if transferred to a person, other than a handler, who distributes milk or cream in fluid form for consumption as such: *Provided,* That, if during the delivery periods of March through September, the buyer maintains books and records, showing the utilization of all skim milk and butterfat received at his plant, which are made available to the market administrator for the purpose of verification, such skim milk and butterfat shall be classified as follows: (*a*) determine the classification of all skim milk and butterfat at the transferee plant, and (*b*) allocate the skim milk and butterfat, respectively, received at the transferee plant from the transferring handler to the highest-priced classification remaining after subtracting, in series beginning with the highest-priced classification, the receipts of skim milk and butterfat, respectively, at the transferee plant from dairy farms; and (iv) in the class in which the market administrator determines such skim milk or butterfat was used, if transferred to a person, other than a handler, who does not distribute milk or cream in fluid form for consumption as such.

(2) No provision relative to transfers provided for in subparagraph (1) (i) of this paragraph shall operate to deter the prior subtraction of skim milk or butterfat from other sources pursuant to paragraph (f) of this section. Any quantity reported for assignment to a particular class but not eligible therefor because of paragraph (f) of this section shall be assigned by the market administrator as Class I skim milk or Class I butterfat pending verification and appropriate allocation.

(e) *Computation of the skim milk and butterfat in each class.* For each delivery period, the market administrator in the case of each handler shall determine:

(1) The total pounds of skim milk received by adding together the total pounds of milk, skim milk, and cream received, and the pounds of butterfat and skim milk used to produce any milk products received, and subtracting therefrom the total pounds of butterfat determined pursuant to subparagraph (2) of this paragraph.

(2) The total pounds of butterfat received by adding into one sum the pounds of butterfat received from (i) producers; (ii) other handlers; and (iii) other sources.

(3) The total pounds of skim milk in Class I by (i) adding together the pounds of milk, skim milk, and cream disposed of in each of the several products of Class I, (ii) subtracting the result obtained in subparagraph (4) (i) of this paragraph; and (iii) adding together the result obtained in subdivision (ii) of this subparagraph and the result obtained in subparagraph (7) (iii) (*b*) of this paragraph.

(4) The total pounds of butterfat in Class I by (i) adding together the pounds of butterfat in each of the several products of Class I; and (ii) adding together the result obtained in subdivision (i) of this subparagraph and the result obtained in subdivision (i) of this subparagraph and the result obtained in subparagraph (8) (ii) (*b*) of this paragraph.

(5) The total pounds of skim milk in Class II by (i) adding together the pounds of milk, skim milk, and cream which are used to produce each of the several products of Class II; and (ii) subtracting the result obtained in subparagraph (6) of this paragraph.

(6) The total pounds of butterfat in Class II by adding together the pounds of butterfat used in each of the several products in Class II.

(7) The total pounds of skim milk in Class III by (i) adding together the pounds of milk, skim milk, and cream which were used to produce each of the several products of Class III; (ii) subtracting the result obtained in subparagraph (8) (i) of this paragraph; (iii) subtracting from the result obtained in subparagraph (1) of this paragraph the results obtained in subparagraphs (3) (ii) and (5) (ii) of this paragraph and subdivision (ii) of this subparagraph, which resulting amount shall be classified as follows: (*a*) that portion not in excess of 2 percent of total receipts of skim milk from producers shall be considered as plant shrinkage and classified as Class III, and (*b*) that portion in excess of 2 percent of total receipts of skim milk from producers shall be classified as Class I: *Provided,* That any skim milk which has been accounted for as having been dumped by a handler shall be classified as Class III; and (iv) adding together the pounds of skim milk obtained in subdivision (ii) of this subparagraph and the pounds of skim milk allocated to Class III pursuant to subdivision (iii) of this subparagraph.

(8) The total pounds of butterfat in Class III by (i) adding together the pounds of butterfat used in each of the several products of Class III; (ii) subtracting from the result obtained in subparagraph (2) of this paragraph the results obtained in subparagraphs (4) (i) and (6) of this paragraph and subdivision (i) of this subparagraph, which resulting amount shall be classified as follows: (*a*) that portion not in excess of 2 percent of total receipts of butterfat from producers shall be considered as plant shrinkage and classified as Class III, and (*b*) that portion in excess of 2 percent of total receipts of butterfat from producers shall be classified as Class I, and (iii) adding together the results obtained in subdivisions (i) and (ii) (*a*) of this subparagraph.

(f) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds allocated to milk received from producers, and shall be known as the "net pooled skim milk" in such class for such handler:

(i) Subtract from the total pounds of skim milk in Class III the plant shrinkage of skim milk in Class III, computed pursuant to paragraph (e) (7) (iii) (*a*) of this section;

(ii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available class, the pounds of skim milk received from other sources;

(iii) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers and used in such class; and

(iv) Add to the remaining pounds of skim milk in Class III the amount subtracted pursuant to subdivision (i) of this subparagraph. If the remaining total pounds of skim milk in all classes exceed the total pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available class.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk (except that the reference paragraph (e) (8) (ii) (*a*) shall be substituted for the designated reference paragraph (e) (7) (iii) (*a*) set forth in paragraph (1) (i) of this paragraph) The resulting pounds of butterfat in each class shall be known as the "net pooled butterfat" in such class.

(g) *Announcement of utilization of skim milk and butterfat.* The market administrator may from time to time as conditions in the market warrant:

(1) Obtain reports in the manner and on forms prescribed by him from handlers with respect to their receipts and utilization of skim milk and butterfat; and

(2) Publicly announce (i) the name of each handler whose receipts of skim milk or butterfat in milk received from producers are more than 105 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, computed in the manner prescribed in subparagraphs (3) and (4) of paragraph (e) of this section, (ii) the name of each handler whose receipts of skim milk or butterfat in milk received from producers is less than 95 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, computed in the manner prescribed in subparagraphs (3) and (4) of paragraph (e) of this section, and (iii) the percent that the total receipts of skim milk and butterfat in milk received from producers is of the utilization of skim milk and butterfat, respec-

tively, by all handlers, in Class I (determined in accordance with subparagraphs (1) (2) and (3) of paragraph (b) of this section).

§ 942.5 *Minimum prices*—(a) *Basic formula price to be used in determining Class I prices.* The basic formula price per hundredweight of milk to be used in determining the Class I prices set forth in this section shall be the highest of the prices computed pursuant to subparagraphs (1) (2) and (3) of this paragraph.

(1) To the average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the United States Department of Agriculture by the companies listed below:

*Companies and Location*

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed as follows: From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, subtract 3 cents, add 20 percent thereof, and then multiply by 0.5;

(2) (i) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" on such Exchange shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.0.

(3) The price computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, add 20 percent thereof, and then multiply by 4.0; and

(ii) From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period, deduct 4 cents, multiply by 8.5, and then multiply by 0.96.

(b) *Class I prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class I skim milk and net pooled Class I butterfat, not less than the following prices per hundredweight:

(1) For such skim milk and butterfat received at such handler's plant located in the 61–70 mile zone, the minimum prices shall be as follows:

(i) To the basic formula price add $1.25 for the delivery periods of March through September and $1.50 for the delivery periods of October through February: *Provided,* That the resulting price shall not be less than $5.25 per hundredweight for the delivery periods of March through September, 1948, and $5.69 per hundredweight for the delivery periods of October 1948 through February 1949.

(ii) The price of butterfat shall be the sum obtained in subdivision (i) of this subparagraph multiplied by 17.5.

(iii) The price of skim milk shall be computed by (*a*) multiplying the price of butterfat pursuant to subdivision (ii) of this subparagraph by 0.04; (*b*) subtracting such amount from the sum obtained in subdivision (i) of this subparagraph; (*c*) dividing such net amount by 0.96; and (*d*) rounding off to the nearest full cent.

(2) For skim milk and butterfat received at such handler's plant located in a freight zone other than the 61–70 mile zone, the prices shall be those effective pursuant to subparagraph (1) of this paragraph adjusted by the respective amount indicated in the following schedule for the freight zone in which such plant is located:

| *Freight zone (miles)* | *Cents per hundredweight* |
|---|---|
| Not more than 20 | +28.0 |
| More than 20 but not more than 30 | +8.0 |
| More than 30 but not more than 40 | +6.0 |
| More than 40 but not more than 50 | +4.0 |
| More than 50 but not more than 60 | +2.0 |
| More than 60 but not more than 70 | 0.0 |
| More than 70 but not more than 80 | −2.0 |
| More than 80 but not more than 90 | −4.0 |
| More than 90 but not more than 100 | −6.0 |
| More than 100 but not more than 110 | −7.0 |
| More than 110 | −8.0 |

(3) The market administrator shall from time to time determine and publicly announce the freight zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(4) For the purpose of this paragraph, the skim milk and butterfat which was classified as net pooled Class I skim milk and net pooled Class I butterfat during each delivery period shall be considered to have been first that skim milk and butterfat which was received from producers at such handler's plant located in the 0–20 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the freight zone nearest to New Orleans.

(c) *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class II skim milk and net pooled Class II butterfat, not less than the following prices per hundredweight:

(1) The price per hundredweight of skim milk shall be computed as follows: Multiply by 8.5 the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period.

(2) The price per hundredweight of butterfat shall be computed as follows: From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, and add 20 percent thereof.

(d) *Class III prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class III skim milk and net pooled Class III butterfat, not less than the following prices per hundredweight:

(1) The price per hundredweight of skim milk shall be any plus amount resulting from the following computation: From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed) roller process, delivered at Chicago, as reported by the United States Department of Agriculture during the delivery period, deduct 7 cents, and then multiply by 7.5.

(2) The price per hundredweight of butterfat shall be computed as follows: Multiply by 100 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further,* That if the specified price is not

reported or published and there is not applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period pursuant to paragraphs (b) and (c) of this section are not in the public interest, the Class I and Class II prices for such delivery period shall be the same as the Class I and Class II prices for the previous delivery period.

§ 942.6 *Application of provisions*—(a) *Exceptions.* (1) Sections 942.5, 942.7, 942.8, and 942.9 shall not apply to any handler (i) whose sole source of supply is from other handlers (except producer-handlers) or (ii) who is a producer-handler pursuant to § 942.1 (m) as verified in the manner provided in subparagraph (2) of this paragraph.

(2) Producer-handlers shall furnish the market administrator for his verification evidence of their qualifications as such pursuant to §942.1 (m)

(3) Milk received at the plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Payment for excess skim milk or butterfat.* If, after subtracting receipts from other sources, and from other handlers (including receipts in packaged form from producer-handlers) a handler has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been purchased or received from them, the market administrator in computing the value of milk for such handler, pursuant to § 942.7 (a) shall add an amount equal to the value of such skim milk or butterfat in accordance with its value at the price for the class from which such skim milk or butterfat was subtracted pursuant to § 942.4 (f)

(c) *Skim milk and butterfat disposed of by a producer-handler* A producer-handler shall be considered as a producer with respect to skim milk and butterfat disposed of in bulk as milk, skim milk, or cream to a handler (including another producer-handler) but as a handler with respect to skim milk and butterfat disposed of in packaged form to a handler (including another producer-handler)

§ 942.7 *Determination of uniform prices to producers*—(a) *Computation of the value of milk for each handler* For each delivery period the market administrator shall compute for each handler the value of skim milk and butterfat, respectively, received by such handler from producers during such delivery period by multiplying, respectively, the pounds of "net pooled skim milk" and "net pooled butterfat" in each class by the respective class prices, and adding, respectively, any amount pursuant to § 942.6 (b)

(b) *Computation of uniform price for each handler.* For each delivery period the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of skim milk, butterfat, and milk received by such handler from producers as follows:

(1) Adding, respectively, to the values computed pursuant to paragraph (a) of this section the amounts computed by multiplying, respectively, the total hundredweight of skim milk and butterfat received by such handler from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2)

(2) Subtracting, respectively, the amounts computed by multiplying, respectively, the total hundredweight of skim milk and butterfat received by such handler from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2)

(3) If, in the verification of the reports of such handler of his receipts and utilization of skim milk and butterfat, respectively, for previous delivery periods subsequent to the effective date of this order, the market administrator discovers errors in such reports, including reclassification of skim milk and butterfat pursuant to § 942.4 (c) (2) there shall be added or subtracted, as the case may be, an amount of money necessary to correct such errors;

(4) Dividing, respectively, the resulting sums by the hundredweight of "net pooled skim milk" and "net pooled butterfat." The results shall be known, respectively, as the uniform price per hundredweight for such handler for (i) skim milk and (ii) butterfat purchased or received from producers at plants located in the 61–70 mile zone. The uniform price for milk containing 4.0 percent butterfat received from producers at plants located in the 61–70 mile zone shall be the sum of the values of 96 pounds of skim milk and 4 pounds of butterfat at the respective uniform prices.

(c) *Butterfat differential.* For each delivery period the market administrator shall compute to the nearest one-tenth cent a butterfat differential for each handler as follows: subtract from his uniform price per hundredweight of butterfat his uniform price per hundredweight of skim milk and divide the result by 1,000.

(d) *Announcement of prices.* (1) On or before the 6th day after the end of each delivery period, the market administrator shall notify all handlers and make public announcement of the class prices of skim milk and butterfat received from producers during the delivery period.

(2) On or before the 10th day after the end of each delivery period, the market administrator shall notify each handler and make public announcement of the butterfat differential and the uniform price per hundredweight of skim milk, butterfat, and milk containing 4.0 percent butterfat received by such handler from producers during the delivery period.

§ 942.8 *Payment for milk*—(a) *Time and method of payment.* (1) On or before the last day of each delivery period, each handler shall make payment to each producer for the milk received from such producer by such handler during the first 15 days of the delivery period at not less than $3 per hundredweight.

(2) On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer for milk received from such producer by such handler during the delivery period at not less than the uniform price for milk containing 4.0 percent butterfat announced pursuant to § 942.7 (d), adjusted as follows: if the average butterfat content of the milk received from such producer varies from 4.0 percent subtract for each one-tenth of one percent that the average butterfat content of such milk is less than 4.0 percent, or add for each one-tenth of one percent that the average butterfat content of such milk is more than 4.0 percent, an amount equal to the butterfat differential computed pursuant to § 942.7 (c)

(b) *Location differentials.* Each handler, in making the payments prescribed in paragraph (a) of this section, shall adjust the uniform price for each producer with respect to all skim milk and butterfat received from such producer at such handler's plant not located in the 61–70 mile zone by the amount per hundredweight specified in the table pursuant to § 942.5 (b) (2)

(c) *Adjustment of errors in payments.* Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 942.9 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period, with respect to all skim milk and butterfat purchased or received by such handler, during such delivery period, from producers, including that received from such handler's own farm production.

§ 942.10 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* Any or all of the provisions hereof, or any amendment hereto, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event,

terminate whenever the provisions of the act cease to be in effect.

(c) *Continuing power and duty of the market administrator* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 942.11 *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

§ 942.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 942.13 *Separability of provisions.* If any provision hereof, or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions hereof to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 20th day of January 1948.

[SEAL] S. R. NEWELL,
*Acting Assistant Administrator.*

[F. R. Doc. 48-670; Filed, Jan. 22, 1948; 8:48 a. m.]

## [7 CFR, Part 962]

[Docket No. AO-162-A1]

### FRESH PEACHES GROWN IN GEORGIA

### NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR and Supps., 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held at the Hotel Dempsey in Macon, Georgia, beginning at 10:00 a. m., e. s. t., January 30, 1948, with respect to proposed amendments to the marketing agreement and Order No. 62 (7 CFR, Cum. Supp., Part 962) regulating the handling of fresh peaches grown in the State of Georgia. These proposals have not received the approval of the Secretary of Agriculture.

Such public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions relating to the proposed amendments which are hereinafter set forth and appropriate modifications thereof.

The following amendments have been proposed by the Industry Committee, established pursuant to the aforesaid marketing agreement and order:

1. Add the following to section 1 (b) of the marketing agreement and § 962.3 (b) of the order: "and further amended by Public Law 305, 80th Cong., approved August 1, 1947."

2. In the parenthetical phrases in section 1 (f) of the marketing agreement and § 962.3 (f) of the order, insert, after "common" the words "or contract."

3. Add the following new paragraphs to section 1 of the marketing agreement and § 962.3 of the order:

(k) "Grade" means each of the grades set forth in the United States Standards for Peaches (12 F. R. 3798), any modifications thereof, and any variations based thereon.

(l) "Size" means the size of a peach as determined by its diameter, as such term is defined in the aforesaid United States Standards.

(m) "Mature peaches" means peaches that have reached the stage of growth set forth in the aforesaid United States Standards for peaches that are mature.

4. Delete section 2 (k) of the marketing agreement and § 962.4 (k) of the order and insert, in lieu thereof, the following:

(k) *Compensation and reimbursement for expenses.* Each member of the Industry Committee, and each alternate member when acting for a member or when designated by the committee to attend, may receive compensation in an amount not in excess of five dollars ($5.00) per day (1) for attending each meeting of the committee; (2) while attending to such committee business as may be authorized by the committee; and (3) for attending each consultation or conference with any committee, or representatives thereof, established under any marketing agreement and order program, pursuant to the act, with respect to the handling of peaches grown in the area or in any State outside of the area. In addition to said compensation, each of the aforesaid members and alternate members may be reimbursed for all reasonable expenses necessarily incurred in attending each such meeting, conference, or consultation, or while attending to such committee business.

5. Delete from section 2 (m) (8) of the marketing agreement and § 962.4 (m) (8) of the order the words after "grown," and insert, in lieu thereof, the following: "in the area or in any State outside of the area; and to authorize members and alternate members of the Distributors' Advisory Committee to attend such conferences and consultations;"

6. Delete the provisions in section 2 (m) (14) of the marketing agreement and § 962.4 (m) (14) of the order and insert, in lieu thereof, the following: "To supervise the regulation of shipments of peaches pursuant hereto;"

7. After (a) deleting the word "and" which follows the semicolon in section 2 (m) (16) of the marketing agreement and § 962.4 (m) (16) of the order, and (b) deleting the period at the end of section 2 (m) (17) of the marketing agreement and § 962.4 (m) (17) of the order and inserting "; and" in lieu of such period, add, at the end of section 2 (m) of the marketing agreement and § 962.4 (m) of the order, the following new provision:

(18) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to peaches, and to engage in such research and service activities in connection with the handling of peaches as may be approved, from time to time, by the Secretary.

8. Delete section 2 (p) (5) of the marketing agreement and § 962.4 (p) (5) of the order and insert, in lieu thereof, the following:

(5) The Distributors' Advisory Committee may submit its recommendations to each meeting of the Industry Committee relative to recommendations with respect to the regulation of shipments pursuant hereto. When authorized in advance by the Industry Committee, members and alternate members of the Distributors' Advisory Committee may attend and participate in conferences and consultations with any other committee, or representatives thereof, established under any marketing agreement and order program, pursuant to the act, with respect to the handling of peaches grown in the area or in any State outside of the area.

9. Delete section 2 (p) (6) of the marketing agreement and § 962.4 (p) (6) of the order, and insert, in lieu thereof, the following:

(6) Each member of the Distributors' Advisory Committee, and each alternate member when acting for a member, may receive from the Industry Committee compensation and reimbursement for all reasonable expenses necessarily incurred for attendance, when authorized in ad-

vance by the Industry Committee, at each meeting of the Distributors' Advisory Committee and at each conference or consultation, as aforesaid, and while attending to such business of the Distributors' Advisory Committee as may be approved by the Industry Committee.

(7) The rates of compensation and reimbursement for reasonable expenses incurred, as aforesaid, shall be the same as those applicable to members and alternate members of the Industry Committee.

10. Delete the first sentence in section 3 (a) of the marketing agreement and § 962.5 (a) of the order, and insert, in lieu thereof, the following: "The Industry Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the committee during the then current fiscal period (1) for the maintenance and functioning of such committee and the Distributors' Advisory Committee, and (2) for such research and service activities relating to the handling of peaches as the Secretary may determine to be appropriate."

11. Delete that portion of the first sentence in section 3 (b) (1) of the marketing agreement and § 962.5 (b) (1) of the order which precedes the word "*Provided*" and insert, in lieu thereof, the following: "Each handler who first ships peaches shall, upon demand, pay to the Industry Committee such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the committee during such fiscal period;"

12. At the end of the first sentence in section 3 (b) (1) of the marketing agreement and § 962.5 (b) (1) of the order, add the following: "or (iii) any shipment made by express or parcel post, or (iv) shipments of peaches to any person during any day if such shipments, in the aggregate, do not exceed the equivalent of five (5) bushels."

13. Insert in section 3 (b) (2) of the marketing agreement and § 962.5 (b) (2) of the order the words "and activities" between the words "functions" and "hereunder" appearing in the third sentence thereof.

14. Delete the provisions in section 5 of the marketing agreement and § 962.7 of the order, and insert, in lieu thereof, the following:

§ 962.7 *Minimum standards of quality and maturity*—(a) *Recommendations.* Whenever the Industry Committee deems it advisable to establish minimum standards of quality or maturity, or of both quality and maturity, to govern shipments of one or more varieties of peaches pursuant to this section, it shall recommend to the Secretary the particular minimum standards which shipments of such peaches must meet. Each such recommendation of the committee shall be in terms of (1) grades or sizes, (2) other elements or determinants of quality or maturity, or (3) any combination of the foregoing. At the time of submitting each such recommendation to the Secretary, the Industry Committee shall also submit the supporting data and information upon which it acted in making such recommendation. The said committee shall also furnish such other data and information as may be requested by the Secretary.

(b) *Establishment.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standards of quality or maturity, or of both quality and maturity, for one or more varieties of peaches and to limit the shipment of such peaches to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall specify the varieties, establish such standards, and so limit the shipment of such peaches. The Secretary shall immediately notify the Industry Committee of such varieties and of the minimum standards so established. In the event the Secretary specifies minimum grades or sizes, or both minimum grades and sizes, of peaches that may be shipped, such grades and sizes shall be included in the notification of the committee.

(c) *Modification, suspension, or termination of minimum standards.* The Industry Committee may recommend to the Secretary the modification, suspension, or termination of any or all of the minimum standards established pursuant hereto. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that to modify, suspend, or terminate such minimum standards will tend to effectuate the declared policy of the act, he shall so notify, suspend, or terminate such standards. The Secretary shall immediately notify the Industry Committee of each order modifying, suspending, or terminating any such minimum standards. In like manner and upon the same basis, the Secretary may terminate any such modification or suspension.

15. Insert the following provisions immediately preceding the words "shall be exempt" appearing in the first sentence of section 9 of the marketing agreement and § 962.11 of the order: "or peaches shipped by express or parcel post, or peaches included in shipments of peaches to any person during any day if such shipments, in the aggregate, do not exceed the equivalent of five (5) bushels."

16. In the second sentence of section 9 of the marketing agreement and section 962.11 of the order, substitute the word "may" for "shall," wherever the latter appears therein.

17. Delete the last sentence in section 12 (b) (3) of the marketing agreement and § 962.14 (b) (3) of the order.

The Fruit and Vegetable Branch, Production and Marketing Administration, has proposed that consideration be given to such other changes in the marketing agreement and order, as may be necessary to make the entire marketing agreement and order conform with the proposed amendments.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or from the Southeast Marketing Field Office of the Fruit and Vegetable Branch, Production and Marketing Administration, 449 West Peachtree Street, Atlanta, Georgia.

Dated January 21, 1948, Washington, D. C.

[SEAL] S. R. NEWELL,
*Acting Assistant Administrator*

[F. R. Doc. 48-697; Filed, Jan. 22, 1948; 9:26 a. m.]

# NOTICES

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10163]

MINNA DIETER VON GOELER ET AL.

In re: Trust deed of Minna Dieter von Goeler; trust agreement of Henning B. Dieter, Rolf Dieter, Annelies Dieter Wiskott and Minna Dieter von Goeler. File No. F-28-7466 and F-28-7466-G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annelies Dieter Wiskott and Minna Dieter von Goeler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated February 25, 1930 by and between Minna Dieter von Goeler and Egon von Goeler and the State National Bank of El Paso, as trustee, and in and to and arising out of or under that certain trust agreement dated May 25, 1926 by and between Henning B. Dieter, Rolf Dieter, Annelies Dieter Wiskott and Minna Dieter von Goeler, and being administered by the State National Bank of El Paso, trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby, determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-655; Filed, Jan. 22, 1948; 8:46 a. m.]

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[Vesting Order 10235]

FRANCES TH. NITSCHKE

In re: Mortgage Participation Certificate No. 25 in Mortgage Investment No. 82922 issued by the Camden Safe Deposit and Trust Company to Frances Th. Nitschke. File F-28-5421, E. T. sec. 3985.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frances Th. Nitschke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all rights and interests evidenced by Mortgage Participation Certificate Number 25 in Mortgage Investment Number 82922 issued by the Camden Safe Deposit and Trust Company to Frances Th. Nitschke and the right to the transfer and possession of any and all instruments evidencing such rights and interests, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by the Camden Trust Company, as Substituted Trustee, acting under the judicial supervision of the Chancery Court of New Jersey, Trenton, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-656; Filed, Jan. 22, 1948; 8:46 a. m.]

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[Vesting Order 10323]

FREDERICK APPELBAUM

In re: Estate of Frederick Appelbaum, deceased. File No. D-28-11996; E. T. sec. 16176.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Appelbaum, also known as Karl Appelbaum, Anna Stiegemeier, also known as Anna Stiegemeyer, and Louise Frobose, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the children, names unknown, of Carl Appelbaum; the children, names unknown, of Anna Stiegemeier, and the children, names unknown, of Louise Frobose, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate and in and to the trust created under the will of Frederick Appelbaum, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by C. Ernest Smith, as surviving executor and trustee, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the children, names unknown, of Carl Appelbaum; the children, names unknown, of Anna Stiegemeier, and the children, names unknown, of Louise Frobose, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 48-657; Filed, Jan. 22, 1948; 8:46 a. m.]

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[Vesting Order 10340]

MARY MEYER

In re: Estate of Mary Meyer, deceased. File No. D-28-12103; E. T. sec. 16302.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magdalen Dischner, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Mary Meyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Roy Arber and Alois Platzer, as Administrators, acting under the judicial supervision of the Surrogate's Court of Erie County, Buffalo, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-658; Filed, Jan. 22, 1948; 8:46 a. m.]

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[Vesting Order 10362]

EDITH KOCH ET AL.

In re: Rights of Edith Koch, Gerda Koch, Heinrich Koch and Lieselotte Koch under settlement agreement. File No. D-28-10243-H-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edith Koch, Gerda Koch, Heinrich Koch and Lieselotte Koch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the net proceeds due or to become due under the terms of a Settlement Agreement dated June 23, 1941 between Christel Steinke and the Travelers Insurance Company, Hartford, Connecticut, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 48-659; Filed, Jan. 22, 1948; 8:46 a. m.]

[Vesting Order 10381]

MARTHA HAUSSMANN

In re: Stock, option warrant and bank account owned by Martha Haussmann, also known as Martha Muehleisen. F-28-28186-A-1, F-28-28186-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Haussmann, also known as Martha Muehleisen, whose last known address is 2 Schwenk Strasse, Wendlingen A'Necker, Kreis Nuertingen, Wurttenberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. One (1) share of $5.00 par value common capital stock of Niagara Share Corporation of Maryland, now known as Niagara Share Corporation, 70 Niagara Street, Buffalo 2, New York, a corporation organized under the laws of the State of Maryland, evidenced by certificate numbered NB/O 6191, registered in the name of Martha Haussmann and presently in the custody of Mrs. Louise Berger, 529 Derstine Avenue, Lansdale, Pennsylvania, together with all declared and unpaid dividends thereon,

b. Twelve (12) shares of $1.00 par value common capital stock of Niagara Hudson Power Corporation, 300 Erie Blvd., West Syracuse 2, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered TCCO13954, registered in the name of Martha Haussmann and presently in the custody of Mrs. Louise Berger, 529 Derstine Avenue, Lansdale, Pennsylvania, together with all declared and unpaid dividends thereon,

c. One (1) Option Warrant to purchase three (3) shares of capital stock of the Niagara Hudson Power Corporation, 300 Erie Blvd., West Syracuse 2, New York, said Option Warrant bearing number NONAO-3453, registered in the name of Martha Haussmann and presently in the custody of Mrs. Louise Berger, 529 Derstine Avenue, Lansdale, Pennsylvania, together with any and all rights thereunder and thereto,

d. Nine (9) shares of $1.60 cum. preferred capital stock of Buffalo Niagara and Eastern Power Corporation, Buffalo, New York, evidenced by certificates numbered 026383, 011245 and 02070 for 1, 2 and 6 shares, respectively, registered in the name of Martha Haussmann, and presently in the custody of Mrs. Louise Berger, 529 Derstine Avenue, Lansdale, Pennsylvania, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation of The First National Bank of Lansdale, Lansdale, Pennsylvania, arising out of savings account, Account No. 14503, entitled Martha Haussmann, Louise Berger, Trustee, maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Martha Haussmann, also known as Martha Muehleisen, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-660; Filed, Jan. 22, 1948; 8:47 a. m.]

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[Vesting Order 10383]

THE IMPERIAL MARINE & FIRE INSURANCE CO., LTD.

In re: Debt owing to The Imperial Marine & Fire Insurance Co., Ltd. F-39-2707.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That The Imperial Marine & Fire Insurance Co., Ltd., the last known address of which is Tokyo, Japan, is a corporation, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation owing to The Imperial Marine & Fire Insurance Co., Ltd., by Cosgrove & Company, Inc., 343 Sansome Street, San Francisco, California, in the amount of $1215.00, as of November 12, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-661; Filed, Jan. 22, 1948; 8:47 a. m.]

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[Vesting Order 10385]

JOSEPH JAESCHKE ET AL.

In re: Voting Trust Certificates and Participation Certificate owned by Joseph Jaeschke, also known as Joseph Jaeshke, and others, Certificate of Beneficial Interest owned by Ernst Ludemann, Bonds owned by Albert Ludwig Schmidt and others and debts owed to Mraie Harlander and others. D-66-2323-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth below:

*Name; Address; OAP File Number*

Joseph Jaeschke, also known as Joseph Jaeshke; Harbrecht Str. 70, Berlin, Neerkolin, Germany; F-28-25212-D-1.

Augusta Jaeschke, also known as Augusta Jaeshke; Harbrecht Str. 70, Berlin, Neerkolin, Germany; F-28-25212-D-1.

Magda Winkler; Kaiser Wilhelm Str. 40, Tommern, Germany; F-28-25214-D-1.

Ernst Ludemann; Breese 1 DM b/Dannenberg (Elbe). Germany; F-28-25213-D-1.

Albert Ludwig Schmidt; 1 Apt. Kaiser Strasse, 1 pt. Freidberg, Hessen, Germany; F-28-25215-D-1.

Mraie Harlander; Nurnberg, Voillodterstrasse 11 a/111, Nuremberg, Germany; F-28-25211-D-1.

Hedwig Newhouse; c/o Mrs. Ida Hupschmidt, Berliner Str. 76, Berlin, Pankau, Germany; F-28-24901-D-1, F-28-24901-D-2.

are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. One Voting Trust Certificate representing five shares of $1.00 par value capital stock of the Lott Hotel Company, 134 N. LaSalle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said certificate being registered in the names of Joseph Jaeshke and Augusta Jaeshke, and presently in the custody of Chicago Title and Trust Company, 69 W. Washington Street, Chicago 2, Illinois, together with any and all rights thereunder and thereto, and

b. One Participation Certificate representing twenty (20) units, $1.00 par value capital stock of the Buena-Terrace Corporation, Room 504, 105 W. Madison Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said Participation Certificate registered in the names of Joseph Jaeschke and Augusta Jaeschke, and presently in the custody of Chicago Title and Trust Company, 69 W. Washington Street, Chicago 2, Illinois, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joseph Jaeschke, also known as Joseph Jaeshke, and Augusta Jaeschke, also known as Augusta Jaeshke, the aforesaid nationals of a designated enemy country (Germany)

3. That the property described as follows:

a. One Voting Trust Certificate representing five (5) shares of $10.00 par value capital stock of Knickerbocker Hotel Company, 163 E. Walton Place, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said certificate being registered in the name of Magda Winkler, and presently in the custody of Chicago Title and Trust Company, 69 W. Washington Street, Chicago 2, Illinois, together with any and all rights thereunder and thereto and

b. One Voting Trust Certificate representing five (5) shares of $100.00 par value stock of The Andrews Block Corporation, 134 N. LaSalle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said certificate being registered in the name of Magda Winkler, and presently in the custody of Chicago Title and Trust Company, 69 W Washington Street, Chicago 2, Illinois, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Magda Winkler, the aforesaid national of a designated enemy country (Germany)

4. That the property described as follows: One Certificate of Beneficial Interest representing One thousand, three hundred and ninety-three (1,393) shares of $1.00 par value stock of Roberts Apartments, said certificate executed by the Metropolitan Trust Company, 11 South LaSalle Street, Chicago, Illinois, as Trustee under Roberts Apartments Liquidation Trust, known as Trust No. 1519, and said certificate being registered in the name of Ernst Ludemann and presently in the custody of Chicago Title and Trust Company, 69 W. Washington Street, Chicago 2, Illinois, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernst Ludemann, the aforesaid national of a designated enemy country (Germany)

5. That the property described as follows: 1. One (1) First Mortgage Bond of Brooks Building Corporation, of $100.00 face value, registered in the name of Albert Ludwig Schmidt, and presently in the custody of Chicago Title and Trust Company, 69 W Washington Street, Chicago 2, Illinois, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Albert Ludwig Schmidt, the aforesaid national of a designated enemy country (Germany)

6. That the property described as follows: That certain debt or other obligation owing to Mraie Harlander, by the Chicago Title and Trust Company, 69 W. Washington Street, Chicago 2, Illinois, in the amount of $425.75, as of October 15, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mraie Harlander, the aforesaid national of a designated enemy country (Germany)

7. That the property described as follows:

a. That certain debt or other obligation owing to Hedwig Newhouse, by the Chicago Title and Trust Company, 69 W Washington Street, Chicago 2, Illinois, in the amount of $194.66, as of October 15, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation represented by One Commonwealth Building Corporation Income Bond of $500.00 face value, bearing the number D 431, registered in the name of Mrs. Hedwig Newhouse, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hedwig Newhouse, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

8. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-662; Filed, Jan. 22, 1948; 8:47 a. m.]

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[Vesting Order 10440]

WILLIAM FRISCH

In re: Stock owned by William Frisch, also known as Wilhelm Frisch. F-28-28674-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Frisch, also known as Wilhelm Frisch, whose last known address is Willsbach K. Heilbrunn-Wurttenberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: 30 shares of $100.00 par value preferred capital stock of Hudson Wholesale Grocery Co., Jersey City, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 4 and 28, registered in the name of William Frisch, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-663; Filed, Jan. 22, 1948; 8:47 a. m.]

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[Vesting Order 10441]

HEINRICH HOERLEIN

In re: Stock and bank account owned by Heinrich Hoerlein. F-28-2368-D-1, F-28-2368-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Hoerlein, whose last known address is Elberfield, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Thirty (30) shares of $10.00 par value common capital stock of Sterling Drug, Inc., 170 Varick Street, New York 13, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 014035 for two (2) shares, certificate number 034346 for eighteen (18) shares and certificate number 079738 for ten (10) shares, registered in the name of Heinrich Hoerlein, together with all declared and unpaid dividends thereon, and any and all rights of exchange thereunder and thereof, and

b. That certain debt or other obligation owing to Heinrich Hoerlein, by Irving Trust Company, 1 Wall Street, New York, New York, arising out of a checking account, entitled Dr. Heinrich Hoerlein, maintained at the branch office of the aforesaid bank located at 46th Street and Park Avenue, New York 17, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 48-664; Filed, Jan. 22, 1948; 8:47 a. m.]

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[Vesting Order 10463]

MARTHA WICKE GOEMAN ET AL.

In re: Bank account owned by and claims owing to Martha Wicke Goeman, and others. F-28-25473-C-1, E-1, F-28-25725-C-1, F-28-25726-C-1, F-28-25727-C-1, F-28-25728-C-1, F-28-25729-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Wicke Goeman, Arnold Wicke, Friedrich Wilhelm Wicke, also known as Friedrick W Wicke, Gerhard Wicke, Gustav Wicke and Hugo Wicke, also known as Hugh Wicke, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Martha Wicke Goeman, by Commonwealth Bank, Detroit, Michigan, arising out of a commercial account, account number C11-744, entitled Martha Wicke Goeman, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Martha Wicke Goeman, one of the aforesaid nationals of a designated enemy country (Germany)

3. That the property described as follows:

a. Those certain debts or other obligations owing to the persons listed below by the Bank of Saginaw, and/or Blaine Jenkins, Receiver for said bank, 312 Bearinger Building, Saginaw, Michigan, in the amounts appearing opposite each name, as of January 27, 1947, as follows:

| | |
|---|---|
| Martha Wicke Goeman | $355.50 |
| Arnold Wicke | 355.50 |
| Friedrich Wilhelm Wicke; also known as Friedrick W. Wicke | 177.75 |
| Gerhard Wicke | 355.51 |
| Gustav Wicke | 177.75 |
| Hugo Wicke; also known as Hugh Wicke | 355.51 |

together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on ac-

count of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-665; Filed, Jan. 22, 1948; 8:47 a. m.]

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[Vesting Order 10470]

JINICHIRO OOKA

In re: Bank accounts owned by Jinichiro Ooka. F-39-2808-E-1, F-39-2808-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jinichiro Ooka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows:

a. That certain debt or other obligation owing to Jinichiro Ooka, by Security Trust & Savings Bank of San Diego, 904 Fifth Avenue, San Diego, California, arising out of a Savings Account, account number 12418, entitled Jinichiro Ooka, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Jinichiro Ooka, by The United States National Bank, San Diego, California, arising out of a Savings Account, account number 13582, entitled Jinichiro Ooka, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-666; Filed, Jan. 22, 1948; 8:47 a. m.]

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[Vesting Order 10501]

STEINER PAPER CORP.

In re: Steiner Paper Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor Heinrich, whose last known address is Recklinghausen, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. All rights and interests created in Theodor Heinrich by virtue of an agreement by and between Carl Steiner, Theodor Heinrich and The Chase National Bank of the City of New York, as Trustee, dated October 28, 1931, and amended on January 21, 1937, including particularly, but not limited to, rights and interests with respect to all of the issued and outstanding common capital stock of Steiner Paper Corporation, 50 Franklin Street, New York, N. Y., a corporation organized under the laws of the State of New York and a business enterprise within the United States, and with respect to life insurance policy number 1127349, issued in the amount of $35,000 by the Union Central Life Insurance Company, Cincinnati, Ohio, on the life of Carl Steiner and life insurance policy number 1127333, issued in the amount of $30,000 by the said Union Central Life Insurance Company on the life of Theodor Heinrich, and

b. That certain debt or other obligation of Steiner Paper Corporation arising out of a dividend, with respect to 237 shares of Steiner Paper Corporation registered in the name of Theodor Heinrich, declared on or about June 26, 1947, in the amount of $35 per share,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Theodor Heinrich, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That Steiner Paper Corporation is owned or controlled by Theodor Heinrich, or is acting for or on behalf of a designated enemy country (Germany) or persons within such country, and is a national of a designated enemy country (Germany)

4. That to the extent that Theodor Heinrich and Steiner Paper Corporation are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The direction, management, supervision and control of Steiner Paper Corporation and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, said business enterprise is hereby undertaken, to the extent deemed necessary or advisable from time to time. This Order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national" "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-669; Filed, Jan. 22, 1948; 8:48 a. m.]

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[Vesting Order 10233]

AUGUST SCHMIDT

In re: Estate of August Schmidt (real name August Korff) deceased. File No. D-28-6598; E. T. sec. 5079.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Korff, Emma Vollmer, and Herman Vollmer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the children, names unknown, of August Korff, deceased, (son) and the children, names unknown of Emma Vollmer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate and in and to the trust created under the will of August Schmidt (real name August Korff) deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Lawyers Trust Company, as Executor and Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the children, names unknown, of August Korff, deceased (son) and the children, names unknown, of Emma Vollmer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-631; Filed, Jan. 21, 1948; 8:48 a. m.]

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[Vesting Order 10285]

WILHELM SOMMERFELD

In re: Estate of Wilhelm Sommerfeld, deceased. File D-28-10366; E. T. sec. 14756.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Weidner, Anna Yumtow and Frieda Thone, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the personal representatives, next of kin, legatees and distributees, names unknown of August Sommerfeld, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That the sum of $3,385.42 was paid to the Attorney General of the United States by J. Fred Ernstmeyer, Administrator, of the Estate of Wilhelm Sommerfeld, deceased;

4. That the said sum of $3,385.42 was accepted by the Attorney General of the United States on May 28, 1947, pursuant to the Trading with the Enemy Act, as amended;

5. That the said sum of $3,385.42 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, next of kin, legatees and distributees, names unknown of August Sommerfeld, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-632; Filed, Jan. 21, 1948; 8:48 a. m.]

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[Vesting Order 10286]

ERNSTIENE VOLLMER ET AL.

In re: Ernstiene Vollmer et al., plaintiffs, vs. Adolph J. Uden et al., defendants. File D-28-10366; E. T. sec. 14756.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Weidner, Anna Yumtow and Frieda Thone, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the personal representatives, next of kin, legatees and distributees, names unknown of August Sommerfeld, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That the sum of $5,902.95 was paid to the Attorney General of the United States by R. T. Thomas, Referee, in the Matter of Ernstiene Vollmer et al., Plaintiffs, vs. Adolph J. Uden et al., Defendants;

4. That the said sum of $5,902.95 was accepted by the Attorney General of the United States on April 2, 1947, pursuant to the Trading with the Enemy Act, as amended;

5. That the said sum of $5,902.95 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, next of kin, legatees and distributees, names unknown of August Sommerfeld, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 48-633; Filed, Jan. 21, 1948; 8:48 a. m.]

[Vesting Order 10328]

FREDERICK ESA, SR.

In re: Estate of Frederick Esa, Sr., deceased. File No. D-28-11540; E. T. sec. 15766.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Bintakies, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Frederick Esa, Sr., deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by John Esa, as Administrator, acting under the judicial supervision of the Probate Court in and for Williams County, Williston, North Dakota;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-634; Filed, Jan. 21, 1948; 8:48 a. m.]

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[Vesting Order 10329]

CHRISTIANE GRASS

In re: Rights of Christiane Grass under insurance contract. File No. D-28-22972-H-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christiane Grass, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2224350, issued by The Colonial Life Insurance Company of America, Jersey City, New Jersey, to Jacob Grass, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 48-635; Filed, Jan. 21, 1948; 8:48 a. m.]

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## CIVIL AERONAUTICS BOARD

[Docket No. 3187]

WISCONSIN CENTRAL AIRLINES

NOTICE OF HEARING

In the matter of the petition of Wisconsin Central Airlines for the determination and fixing pursuant to section 406 of the Civil Aeronautics Act of 1938, as amended, of a temporary rate of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over its entire system of air routes.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act that a hearing in the above-entitled proceeding is assigned to be held on January 23, 1948, at 10:00 a. m. (eastern standard time) in Room E-131, Wing C, Temporary 5 Building, below Constitution Avenue, between 15th and 17th Streets NW., Washington, D. C., before Examiner F. A. Law, Jr.

Dated at Washington, D. C., January 19, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 48-654; Filed, Jan. 22, 1948; 8:46 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. E-6114]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

JANUARY 19, 1948.

Notice is hereby given that on January 16, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Sierra Pacific Power Company, a corporation organized under the laws of the State of Maine and doing business in the States of California and Nevada, with its principal business office at Reno, Nevada, seeking an order authorizing the issuance of promissory notes up to but not exceeding $1,000,000 (including $450,000 face amount issued up to January 15, 1948) to The National Shawmut Bank of Boston. Said notes will mature on July 1, 1948, and will be discounted at the rate of 1½% per annum. It is contemplated that the aforesaid notes will be paid off with the proceeds of long term debt, the application for the issue of which will probably be filed with the Federal Power Commission before the end of June 1948; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 7th day of February, 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 48-641; Filed, Jan. 22, 1948; 8:49 a. m.]

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[Docket No. G-021]

PHEBUS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

JANUARY 20, 1948.

Upon consideration of the application filed July 16, 1947, and the supplement thereto filed August 25, 1947, by Phebus Pipe Line Company (Applicant) an Illinois corporation having its principal place of business at Owensboro, Kentucky, for permission and approval of the Commission to abandon certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on July 29, 1947 (12 F. R. 5014-15).

The Commission orders that:

(a) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Com-

mission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure, a public hearing be held commencing on February 24, 1948, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by the application and other pleadings in this proceeding.

(b) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: January 20, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 48-650; Filed, Jan. 22, 1948; 8:45 a. m.]

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[Docket No. IT-5840]

MONTANA POWER CO.

ORDER CHANGING DATE OF ORAL ARGUMENT

JANUARY 20, 1948.

On January 6, 1948, the Commission adopted an order fixing the time and place for oral argument upon the exceptions to the Initial Decision of the Presiding Examiner in the above-entitled proceeding, and on January 16, 1948, counsel for respondent filed a petition requesting that the date for oral argument be changed from February 2, 1948, to a date not earlier than February 16, 1948, to accommodate respondent's counsel who have commitments for the date as fixed by the aforementioned order.

The Commission finds that the petition of respondent's counsel alleges good cause for granting the requested postponement of the date for oral argument.

*It is ordered,* That the date for oral argument on the exceptions to the Initial Decision in the above-entitled proceeding as fixed by the order of January 6, 1948, be changed to February 16, 1948, at 10:00 a. m., e. s. t., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Date of issuance: January 20, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 48-651; Filed, Jan. 22, 1948; 8:45 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 406]

RECONSIGNMENT OF APPLES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minn., January 12, 1948, by Oneonta Trading Corp., of car FGE 43833, apples, now on the Great Northern to Detroit, Mich.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of January 1948.

HOMER C. KING, *Director Bureau of Service.*

[F R. Doc. 48-648; Filed, Jan. 22, 1948; 8:45 a. m.]

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[S. O. 396, Special Permit 407]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., January 13, 1948, by Fadler Produce Co., of car MDT 3063, potatoes, now on the Union Pacific to RMB Produce Co., Fort Smith, Ark. (Frisco)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of January 1948.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 48-649; Filed, Jan. 22, 1948; 8:45 a. m.]

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[S. O. 802]

UNLOADING OF ENGINES AT MANAYUNK, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of January A. D. 1948.

It appearing, that 17 cars containing tractor engines and parts at Manayunk, Pa., on The Pennsylvania Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action.

*It is ordered,* That: Tractor engines and parts on the P. R. R. be unloaded.

(a) The Pennsylvania Railroad Company, its agents or employees, shall unload immediately cars ACL 46302, parts, NYC 64796, engines and 15 other cars containing engines, now on hand at Manayunk, Pa., consigned order Willys Overland Motors, Inc., notify Empire Tractor Corp.

(b) Demurrage: No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., January 21, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) Provisions suspended: The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) Notice and expiration: Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

*It is further ordered,* That this order shall become effective immediately; that a copy of this order and direction be served upon The Pennsylvania Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1 (10)-(17))

By the Commission.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 48-647; Filed, Jan. 22, 1948; 8:45 a. m.]